

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:01CR3105 |
| |) | |
| v. |) | |
| |) | |
| KENNAN R. MALLORY, |) | MEMORANDUM AND ORDER |
| |) | |
| Defendant. |) | |
| _____ |) | |

Defendant made his initial appearance before me on the petition alleging violations of supervised release. Even though the defendant appeared at the hearing having been summoned, the government requested detention as a result of the history of positive drug tests alleged in the petition, and two more positive tests since the last test set forth in the petition. Defendant requested release so he can enroll in a treatment program.

Under Fed. R. Crim. P. 32.1(a)(6) the defendant has the burden to show that his release would not pose a threat to the safety of the community. Defendant has failed to meet that burden, as use of drugs as reported by the probation officer establishes a safety threat.

IT THEREFORE HEREBY IS ORDERED,

The government's motion for detention is granted, and the defendant shall be held in custody until further order.

DATED this 29th day of September, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge